

**Wichita Police Department Policy Manual**

Approved by: _____

Policy 508 – Child In Need of Care (CINC)

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Maintained by:
Investigations Division

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- 508.01** DEFINITION OF A CHILD IN NEED OF CARE
- A “child in need of care” [CINC] is defined by K.S.A. 38-1502 as any person less than eighteen (18) years of age who is described by any of the following circumstances:
- A. He/she is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child’s parent(s) or other custodial party;
 - B. He/she is without the care or control necessary for the child’s physical, mental or emotional health;
 - C. He/she has been physically, mentally or emotionally abused or neglected, or sexually abused;
 - D. He/she has been placed for care or adoption in violation of law;
 - E. He/she has been abandoned or does not have a known living parent;
 - F. He/she is not attending school as required by K.S.A. 72-1111 or K.S.A. 72-977, and amendments thereto;
 - G. He/she commits an act which, if done by a person under eighteen (18) years of age, is prohibited by a state, county or city law, but which is not prohibited if committed by a person eighteen (18) or older;
 - H. He/she commits, while less than ten (10) years of age, an act which, if done by a person eighteen years (18) of age or older, would constitute the commission of a felony or misdemeanor, as defined by K.S.A. 21-3105 and amendments thereto;
 - I. He/she is willfully and voluntarily absent from his/her home without the consent of his/her parent or other custodial party;
 - J. He/she is willfully and voluntarily absent on at least two (2) occasions from a court-ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed; or, if the child is residing in a facility, without the consent of the person in charge of such facility or such person’s designee;
 - K. He/she has been residing in the same residence with a sibling or another person under eighteen (18) years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;
 - L. While less than ten (10) years of age he/she commits the offense of unlawful possession of a firearm as defined in K.S.A. 21-4204a, and amendments thereto.
- 508.02** JUSTIFICATION FOR TAKING CINC INTO POLICE CUSTODY
- K.S.A. 38-1527(a) authorizes a law enforcement officer [or a Court Services Officer] to take a child under eighteen (18) years of age into custody when:
- A. The law enforcement officer or Court Services Officer has a court order commanding that the child be taken into custody as a CINC;
 - B. The law enforcement officer or Court Services Officer has probable cause to believe that such an order has been issued in this state or in another jurisdiction.
- 508.03** K.S.A. 38-1527(b) authorizes a law enforcement officer [but not a Court Services Officer] to take a child under eighteen (18) years of age into custody when the law enforcement officer has probable cause to believe that the child is a CINC, and there are reasonable grounds to believe that the circumstances or condition of the child is such that continuing a) in the place or residence in which the child has been found, or b) in the care and custody of the person who has care or custody of the child, would present a danger to the child.
- A. When a representative of the Kansas Department of Social and Rehabilitation Services [SRS] is at a scene requesting that a child(ren) be placed into protective custody, but he/she has no court order directing such action, a WPD field supervisor must make the scene to determine whether or not sufficient cause exists to do so. In the absence of a court order, only a law enforcement officer has the authority to make such a determination.
 - B. If the commissioned supervisor decides protective custody is warranted, an appropriate case shall be made, and the child(ren) shall be taken to a designated shelter facility. However, if the field investigation indicates that there is no significant injury to the child, there are no allegations of sexual abuse, or the circumstances of the call are minor, the law enforcement officer may call the SRS Immediate Response social worker at the Wichita Children’s Home (WCH) at (316)684-6581 between the hours of 0800 to 1900 and request their presence at the scene. The responding social worker may be able to provide valuable information relating to the families SRS history, which

might assist the commissioned supervisor in their decision to take a child into police protective custody (PPC) or leave them with the parent or caregiver.

- C. After careful examination of all the facts involved in a particular incident the commissioned supervisor may leave the child in the custody of the parent or caregiver in lieu of PPC. This decision must be accompanied by placement of necessary resources to aid the family in successfully dealing with the problem. The appropriate resources may include, but not limited to the following:
1. SRS Mediation
 2. DCCCA Family Preservation
 3. Families Can Case Management
 4. Family Mediation Services
 5. Parenting Services
 6. Drug, Alcohol, Mental Health counseling
- D. Only a commissioned law enforcement supervisor has the authority to take a child into PPC. The decision to take a child into PPC or leave them with the parent or caregiver is the responsibility of the law enforcement supervisor.

REQUIRED DOCUMENTATION

- 508.04 All cases in which a CINC is taken into custody require that the officer complete an Incident Report and an Arrest Report completing the juvenile contact information, and call case desk to enter the information into the local computer system.

TRANSPORTATION OF CINC'S

- 508.05 All CINC's twelve (12) years of age and younger shall be transported in the backseat of any vehicle equipped with a passenger side air bag in compliance with seatbelt law KSA 8-2503.

PLACEMENT

- 508.06 All CINC's taken into custody shall be taken to a court-designated "shelter facility". This includes, but is not limited to:
- A. When the child is taken into protective custody pursuant to K.S.A. 38-1527;
 - B. Curfew Violators;
 - C. When the detaining police officer is unable to locate a parent/guardian, or the parent/guardian refuses to accept custody of the child.
- 508.07 The following institutions have been designated as Sedgwick County "shelter facilities" by the Administrative Judge of the District Court of the Eighteenth Judicial District:
- A. For CINC's who are runaways only or who have been physically, sexually or mentally abused or neglected and do not appear to need inpatient medical care and treatment, the Wichita Children's Home [WCH], 810 North Holyoke;
 - B. For CINC's who are involved in "status neglect cases" such as truancy, curfew violators and juvenile offenders under ten (10) years of age, the Juvenile Intake Assessment Center [JIAC], 700 S. Hydraulic;
 - C. CINC's who are in need of immediate inpatient medical care/treatment may be placed into any of the following:
 1. Via-Christi Regional Medical Center – St. Francis Campus, 929 N. St. Francis;
 2. Via-Christi Regional Medical Center – St. Joseph Campus, 3600 E. Harry;
 3. Via-Christi Hospital-West Campus, 14800 W. St. Teresa;
 4. Wesley Medical Center-Main Campus, 550 N. Hillside

- 508.08 Prior to taking any CINC to the Wichita Children's Home, the detaining officer shall call [or have SPIDER call] WCH at 684-6581 to provide them with the name and date of birth of the child and any pertinent information. Should circumstances develop which mandate cancellation of the admission, the officer shall telephone WCH and rescind the arrangement.

- 508.09 Once there, the officer shall explain to WCH personnel the circumstances involved in taking the child into custody, and a joint decision will be made about whether WCH will admit the CINC, or the child should be taken to the Juvenile Intake Assessment Center or another shelter facility. Consideration must be given to whether the child would remain at WCH if placed there, and whether or not the child could be a danger to himself/herself or others if not placed into a secured setting.
- 508.10 When placing a CINC at a shelter facility, the officer shall complete the admissions form furnished by the facility's intake personnel. The form is to be completed with all available information and left at the facility, even if the child is placed into emergency foster care.
- 508.11 The officer placing a CINC into a shelter facility shall reasonably attempt to notify parent(s) or a legal guardian that the child is in police custody. However, under no circumstances shall the officer advise the parent/guardian of the name, address or phone number of the facility, nor shall it be revealed that it is the location at which the child is being sheltered. If the officer is unable to contact the parent/guardian, the appropriate Watch Commander must be notified of this fact before the officer goes off his/her shift.
- 508.12 Whether or not the officer is able to contact a parent, he/she should notify the appropriate Watch Commander and enter information of all placements of CINC's into a shelter facility on the Interwatch, ensuring that the information is sufficient to answer questions the child's parent/guardian may have.
- 508.13 In the event the Wichita Children's Home must place the CINC into foster care, the officer shall transport the child to the designated residence. A Watch Commander's authority to do so is required when foster care is outside the city limits of Wichita. The officer shall obtain the name(s) of the foster care provider(s), and shall enter them on the Incident Report.
- 508.14 If the Wichita Children's Home is unable or unwilling to accept any CINC:
- A. The detaining officer shall place the child in the Juvenile Intake Assessment Center, 700 S. Hydraulic. However, prior to any such placement, the officer and a WCH official must have signed a written notice that they have decided that the youth would not remain at an unsecured shelter. The form for such a notice is available at the WCH. It must list specific reasons for the decision and must be presented to the intake officer at JIAC. Additionally, when admitting a CINC to JIAC, a copy of the officer's Incident Report must be given to the intake officer.
- 508.15 Should a CINC who has been placed into a hospital or medical center by a member of the WPD become ready for discharge from that facility within seventy-two (72) hours of the time of admittance, hospital or medical center staff will notify the appropriate Watch Commander, who shall direct an officer to transport the CINC from the hospital or medical center to the WCH. If more than seventy-two (72) hours have elapsed between the time of admittance and the time of discharge, the Watch Commander shall contact the on-call SRS supervisor [through the Emergency Communications dispatcher] to determine what to do with the CINC.

RELEASE

- 508.16 Should an officer place a CINC in the Wichita Children's Home and later, through investigation, it is determined by the officer/follow-up detective that the child is not in need of care and, therefore, should be released, the officer-in-charge of the case shall proceed as follows:
- A. If the officer-in-charge, after approval from a commissioned supervisor, decides to release the child prior to the expiration of the seventy-two (72) hours to which emergency police custody is limited, he/she shall notify WCH by telephone, or in person, to release the child to his/her parent/guardian/other person designated by the officer-in-charge.
- B. If the CINC is to be released to anyone other than his/her parent or guardian [e.g., a close relative], that person must sign release forms at WCH. Such a release must have the prior approval of a commissioned supervisor.
- 508.17 When the Exploited and Missing Child Unit has completed an investigation of a sexual abuse case and has determined that the victim should be released prior to the expiration of the seventy-two (72) hour emergency police custody limit, a commissioned EMCU officer shall contact WCH to authorize the release.
- 508.18 When the Child Protective Services Division of SRS has completed an investigation of a physical abuse or a neglect case and has determined that the victim should be released prior to the seventy-two (72) hour emergency police custody limit, the social worker assigned to the case [or his/her supervisor] will notify the Supervisor of the EMCU if the determination is made between 0800-1700, Monday through Friday. At any other time, the caseworker/supervisor will contact the appropriate Watch Commander. Authorization for release shall then be given to WCH by the EMCU Supervisor, or by a Watch Commander.

DEFINITION OF A RUNAWAY

- 508.19 "Runaway" is a generic, non-legal term which is generally applied to CINC's who fit the description given in Sections 508.01 [I] or 508.01 [J]. All runaways, unless alleged to be a juvenile offender or adjudicated as a "juvenile offender," [defined by K.S.A. 38-1602(b)] are children in need of care and are under the protection of the Juvenile Justice Reform Act [K.S.A. Chapter 38, Article 15].

THE RUNAWAY REPORT

- 508.20 No minimum amount of time is required for a child to be absent from home before a runaway report may be made.
- R Runaway reports and cancellations of those reports will only be made in person to an officer or station officer, at each WPD substation between the hours of 7a.m and 7p.m or City Hall, during normal business hours. Every effort should be made to confirm that the child is, in fact, a runaway, rather than a missing person, an escapee, or other classification.
- 508.21 When taking a runaway report or a missing persons report that involves a person under the age of eighteen (18), officers shall:
- A. Attempt to obtain a recent photograph of the person. If one is obtained, the officer shall:
 - 1. Mark it with the Incident Number and his/her initials;
 - 2. Attach it to the original copy of the Incident Report;
 - 3. Note in the narrative that a picture was obtained.
 - B. Furnish the parent/legal guardian with the WPD Runaway NCIC-Custody-Liability Waiver Form and have the parent/legal guardian sign it. The waiver form shall be attached to the original copy of the Incident Report.
 - C. The officer shall include in the report an alternate name, the relationship to the runaway, telephone number and address from the parent/guardian that is reporting the runaway. This information is vital as to when the runaway's placement is determined. The officer making the report must also explain to the parent/guardian that the runaway may be released to the persons listed on the report in lieu of placement in the Wichita Children's Home.

DISPOSITION

- 508.22 An officer who takes a runaway into custody shall question him/her in an attempt to discover whether he/she might be a victim of abuse or neglect. Should the officer make such a finding, he/she shall make a separate case for the offense and, if the child is not a "juvenile offender" who must be taken to the Juvenile Intake Assessment Center or the Juvenile Detention Facility, the officer shall determine whether emergency police custody of the child is warranted. Such a decision must be approved by a field supervisor.
- 508.23 Once a runaway has been taken into police custody, it shall be the responsibility of the detaining officer to determine his/her judicial status, [i.e., whether or not he/she is a "juvenile offender"]. To do so, officers shall adhere to the following:
- A. LOCAL RUNAWAYS – Judicial status can only be obtained through the Juvenile Court. Between 8 A.M. and 5 P.M., Monday through Friday, the officer should call 383-7241 or 383-7557. At any other time, contact the Juvenile Detention Facility at 660-9750.
 - B. RUNAWAYS REPORTED BY ANY AGENCY OTHER THAN THE WPD – Officers shall contact the reporting police department, social service agency, detention facility, or institution to determine the judicial status of the runaway. Contact shall be made by teletype, telephone, or fax.
- 508.24 Officers shall adhere to the following process, once a local runaway has been taken into custody and his/her judicial status determined:
- A. If the runaway is not classified as a juvenile offender, the officer may determine that placement back in the runaway's residence or the other designee listed by the original reporting person is appropriate:
 - 1. The officer must ascertain whether there are determining factors (i.e. accusations of sexual/physical abuse, other documented cases of any type of abuse; repeat runaways; substance abuse; mental health issues) not to release the runaway to the parent/guardian or alternate person listed in the report. (Must question the runaway.);
 - 2. The same guidelines utilized in determining "other abuse cases" should be applied in the determination of placing a runaway into "protective custody." The other factors revealed by a thorough interview that would lead a reasonable officer to fear for the runaway's safety at home or the alternate location must be done and then the proper placement should be made;
 - 3. A field supervisor shall authorize all runaway placements whether they are released to the parent/guardian, alternate contact person or the Wichita Children's Home;
 - 4. If a runaway is not returned to the parent/guardian or alternate listed person(s), the runaway shall be taken to the Wichita Children's Home (WCH), 810 N. Holyoke;
 - 5. Runaways from the State of Kansas may be referred to JIAC by WCH staff verbally. WCH staff will be responsible for contacting JIAC to make the referral.

- B. Should the runaway have a current status of “juvenile offender,” he/she shall be taken to the Juvenile Intake Assessment Center, 700 S. Hydraulic, unless he/she is alleged to have committed an offense of homicide, rape, robbery, or aggravated assault in which case he/she shall be taken to the Juvenile Detention Facility per Policy 305-Juvenile Arrest.
 - C. In either case, the detaining officer shall cancel the local and NCIC pickups. In no instances will any personnel cancel a runaway report over the telephone except for the follow-up investigators. In these cases, however, it shall be the responsibility of EMCU’s Runaway Officer to contact parents/guardians to verify the validity of these cancellations.
- 508.24 Officers shall adhere to the following process, once a runaway from another jurisdiction has been taken into custody and his/her judicial status is determined:
- A. Should the runaway have a current status of “juvenile offender,” he/she shall be taken to the Juvenile Intake Assessment Center unless he/she is alleged to have committed an offense of homicide, rape, robbery, or aggravated assault in which case he/she shall be taken to the Juvenile Detention Facility per Policy 305-Juvenile Arrest.
 - B. If the runaway is not classified as a juvenile offender, he/she shall be taken to the Wichita Children’s Home. If the child ran from outside the State of Kansas, he/she will be taken to the Juvenile Detention Facility, 700 S. Hydraulic.
 - C. The officer shall cut an outside case, using the reporting agency as the Victim/Reporting Person.

FOLLOW-UP INVESTIGATION

- 508.26 The Runaway Officer of the Exploited and Missing Child Unit shall be responsible for the following:
- A. Contacting the parent/guardian to gain additional information on all runaways and missing children;
 - B. Submitting an Investigative Report on each Missing Child case.

CHECKING FOR INJURIES ON PHYSICAL ABUSE CASES

- 508.27 When contact is made with a minor child and there is reasonable grounds to believe that the child may have physical injuries, and the removal of clothing is required to examine for these injuries, the following guidelines will be followed:
- A. A commissioned supervisor must authorize the examination.
 - B. The examination shall be conducted by Department members of the same sex as the person being examined.
 - C. Any display of emotional resistance by the minor child will be cause to re-contact the original authorizing supervisor to receive permission to transport the child to a licensed medical/treatment facility for examination.
 - D. The emotional and physical well being of the minor child is the utmost concern and every effort will be made by Department members to ensure neither are diminished.